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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,842

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Kazuo Utsugi

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/050,842	<b>Applicant(s)</b> UTSUGI ET AL.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Election/Restriction**

1. Applicant's election without traverse of claims 1-6 in the reply filed April 6, 2006 is acknowledged. Claims 1-6 are pending in the application for further examination.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly (U.S. Patent No. 6,801,820) in view of Yamamoto (U.S. Patent No. 5,914,878)

As per claims 1-3, Lilly discloses:

receiving means used by an order receiver to receive an order from an orderer (i.e., receiving a work order, col. 3, lines 44-50 and col. 5, lines 38-44) and acquire corresponding order data and an ordering means used by said order receiver to make an order to an associate on the basis of said order data (i.e., transfer the purchase order to a manufacturer. Note col. 45-55. The examiner interprets the associate as a "manufacturer"), operation means used by said order receiver to calculate an expected time of departure (i.e., determining the delivery date for the potential work order to interested party, and transmission means used by said order receiver to

Art Unit: 3623

transmit the expected time of departure calculated by said operation means. Note col. 4, lines 52-57, col. 17, lines 40-43). Lilly discloses all of the limitations above but Lilly fails to disclose business plan acquiring means used by said orderer to acquire business plan data from said associate/manufacturer). Yamamoto in the same field of endeavor, discloses an ordering system wherein business requesting plan/production plan data is taught from a manufacturer (col. 13, line 53 through col. 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the disclosures of Lilly to include acquire business plan data from said associate/manufacturer as taught by Yamamoto so that raw materials can be made available when needed and in the quantities needed.

As per claims 4-6, Lilly discloses:

stock data storage means used by said order receiver to store stock data of the own stock of said order receiver, order receiving means used by said order receiver to receive an order from an orderer and acquire corresponding order data col. 3, lines 44-50 and col. 5, lines 38-44), ordering means used by said order receiver to make an order of an unallocated portion, based on said order data and said stock data (col. 8, lines 48-65), operation means used by said order receiver to calculate an expected time of departure, based on at least said order data, said stock data, and transmission means used by said order receiver to transmit to said orderer the expected time of departure calculated by said operation means (col. 4, lines 52-57, col. 17, lines 40-43). Lilly discloses all of the limitations above but Lilly fails to disclose business plan acquiring means used by said orderer to acquire business plan data from said associate/manufacturer). Yamamoto in the same field of endeavor, discloses an ordering system wherein business requesting plan/production plan data is taught from a manufacturer (col. 13, line 53 through col.

Art Unit: 3623

20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the disclosures of Lilly to include acquire business plan data from said associate/manufacturer as taught by Yamamoto so that raw materials can be made available when needed and in the quantities needed.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lidow (U.S. Patent No. 6,889,197), discloses a method that allows a supplier to receive a product order and to ship the product to a customer.

b. Kaneko et al "Kaneko" (U.S. Patent No. 5,930,763), discloses an order calculation method.

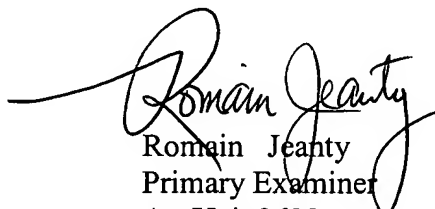
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 1, 2006

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623